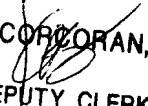


NOV 13 2007

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

RINEL FERDINAND,
Plaintiff,

v.

BRIAN WATSON, et al.,
Defendants.

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Civil Action No. 7:07-cv-00505

FINAL ORDER

By: Hon. Glen E. Conrad
United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that the instant complaint is **DISMISSED**, pursuant to 28 U.S.C. § 1915A(b)(1), for failure to state a claim upon which relief may be granted. Any pending motions are hereby **DENIED** as **MOOT**, and this case is **STRICKEN** from the active docket of the court.^{1, 2}

The Clerk is directed to send copies of this order and accompanying memorandum opinion to plaintiff.

ENTER: This 13th day of November, 2007.



United States District Judge

¹ Plaintiff is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

² Federal law provides that a prisoner may not bring a civil action without complete prepayment of the appropriate filing fee if the prisoner has brought, on three or more occasions, an action or appeal in a federal court that was dismissed as frivolous, as malicious, or for failure to state a claim upon which relief may be granted, unless the prisoner is in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g). Plaintiff has had two cases dismissed for failure to state a claim upon which relief may be granted. See Civil Action Nos. 7:06-cv-00564 (W.D. Va. September 29, 2006); 7:06-cv-00179 (W.D. Va. March 31, 2006). Plaintiff is advised that this dismissal constitutes his third "strike" under § 1915(g).